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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/841,314 | 04/24/2001 | Keith Clark | LINCP103US | 6029 |

7590 05/14/2004

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EXAMINER

KINCAID, LESTER G

ART UNIT PAPER NUMBER

2685

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/841,314

Applicant(s)

CLARK ET AL.

Examiner

Lester G. Kincaid

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>24</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 11 is objected to because of the following informalities: line 1 recites the limitation "the device and the at least one welding node"" however to remain consistent with claim 7 terminology, the examiner suggests changing it to read --the at least one welding node of the first welding cell and the at least one welding node of the at least one other welding cell--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 4, 9, 17, and 23-25** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **claims 4, 9, and 17**, lines 3, 4, and 3 respectively, the term "and/or" renders the claim indefinite. The examiner considers that the insertion of a comma after ""Service Discovery Protocol" and the deletion of "/or" would properly punctuate the claim - assuming that "logical link control and adaptation protocols" is the last term of the series. The examiner notes that the use of "and/or" would require examples of each of the three possibilities in the specification. However, the use of "or" as the conjunction to link the series of terms would be improper.

Regarding **claims 23-25**, the term "wireless signal" on line 1 is used by the claim to define a structure comprising devices/nodes, while the accepted meaning is the message communicated by such a structure. The term is indefinite because the specification does not clearly redefine the term.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-26** are rejected under 35 U.S.C. 102(e) as being anticipated by

Blankenship et al. (U.S. Patent 6,624,388)

Blankenship et al. disclose a welding system, substantially as claimed, wherein a Welding Node / Cell (20, 24, 28, 304) communicates with a wireless communication device (30, 310) / another welding node / cell (20, 24, 28, 30, 304, 310) via Bluetooth - a frequency adjusting wireless protocol. See Figs. 1-6, col. 1, lines 5-12, and col. 6, lines 15-67.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claims 1-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Beiermann et al. (U.S. Patent 6,479,792) in view of Nevo et al. (U.S. Patent 6,600,726).

Beiermann et al. disclose a welding system comprising first (10) and second (11) welding cells / nodes (see Figs. 1-2) - with communication between gateway interface device (28) and gateway (30) or other interfaces (28) - and provide for an alternative embodiment wherein the communication is wireless (RF). See col. 1, lines 34-67, col. 2, lines 30-55, col. 3, line 52 - col. 4, line 10, and col. 4, line 63 - col. 6, line 67.

Art Unit: 2685

Beiermann et al. fail to explicitly recite wherein the wireless communication is a frequency adjusting wireless protocol or Bluetooth.

In an analogous art, Nevo et al. teach that, at the time the invention was made, Bluetooth had become a leading candidate to perform wireless communication to replace attachment cables used for networking cables and the like. See col. 1, lines 22-50. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Beiermann et al. by specifically replacing the connections / performing the communication between the gateway interface (28) and the gateway (30) or other interfaces (28) via Bluetooth (a frequency adjusting wireless protocol), as taught by Nevo et al. for the purpose of conforming to the leading industry standard - as suggested by Nevo et al.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester G. Kincaid whose telephone number is (703) 306-3016. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Art Unit: 2685

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

LGK

May 11, 2004



LESTER G. KINCAID
PRIMARY EXAMINER